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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,287	05/11/2001	Akira Shirahama	SONYJP 3.0-164	8086
530	7590	02/22/2006	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			YENKE, BRIAN P	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/854,287

Applicant(s)

SHIRAHAMA ET AL.

Examiner

BRIAN P. YENKE

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on RCE (03 Jan 06)/Amend.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 5-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03 Jan 06 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3a. Claims 1-3, 5-6, 8-13 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim, US 6,188,439 in view of Akhavan et al., US 6,342,925 and Rosin et al., US 6,028,600.

In considering claims 1 and 16,

*a) the claimed an extracting unit operable to extract image data and audio data of a program selected by a user* is met by video and audio signal separation unit 8 (Fig 2) which separates the converted signal from processing unit 6 into a video signal and an audio signal (col 2, line 61-63), where the separated signal is the program/channel selected by the user via key input unit 20 (Fig 2).

*b) the claimed an obtaining unit operable to obtain information related to said selected program* is met by genre data detecting unit 14 (Fig 2) which detects genre data from the separated video signal input from the video and audio signal separation unit 8 (col 3, line 3-5).

*c) the claimed a memory* is met by memory 18 which stores the control data/parameters which are read out by control unit 16 based on the genre data/code (mode) detected from the incoming signal which includes the screen (brightness, color) and sound% (Fig 3). The televiewer can change data for the video and audio levels established to fit the genre data and can adjust the current program being broadcasted to a certain data set for video and audio levels response to genre data (abstract; col 4, line 15-23).

*d) the claimed a setting unit operable to set a control parameter for controlling an image data display or an audio data output of said selected program based on...* is met control unit 16 (Fig 2,

col 3, line 11-21) which decodes the detected data by the genre data detection unit 14, and reads the video and audio control signal (stored in memory 18) corresponding to the genre data. The control data/parameters stored in memory 18 and read out by control unit 16 are based on the genre data/code (mode) detected from the incoming signal where the stored parameters include the screen (brightness, color) and sound% (Fig 3).

However, Kim does not explicitly recite storing the control parameters in response to adjustment made during reception of a program. As stated above Kim discloses a system which automatically adjusts video and audio signals based upon the genre data of a signal, according to a control signal previously stored in memory. Also, the televiewer can change the data for the video and audio to fit the genre data at the time of manufacturing, and can adjust the current program to a certain data.

Although, the examiner maintains that storing control parameters (or updating control parameters) based upon adjustments during reception of a program is conventional, the examiner nonetheless incorporates Akhavan which discloses an automatic audio/video parameter adjustment, where the user always has the freedom to override system settings (col 2, line 66-67). Akhavan discloses that the system profile which may be changed at anytime, can be stored in memory 24 or a second memory of a controller 26 (Fig 2) (col 4, line 30-38). As described by Akhavan the parameters of sharpness, brightness and contrast need to be modified based upon the type of program/genre, in order to provide the user an optimal viewing and listening experience. Akhavan also describes that time and location of an appliance can also effect the settings of the displayed audio/video signals.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kim which discloses automatically adjusting the video/audio upon the genre of the signal based upon user's setting, by allowing the user to override and store any settings to at anytime, to provide the user the ability complete control to customize the viewing/listening experience.

The motivation for storing the changed parameter would obviously prevent the user from repeatedly having to change a particular parameter/setting.

Regarding the newly added limitation of changing the control information including velocity modulation or gamma correction in response to the program genre data.

Although, both Kim and Akhavan disclose changing control information (i.e. brightness/contrast/sharpness) in response to the program genre data, neither reference explicitly recites "velocity modulation" or "gamma correction". The concept of including in the program genre data the gamma associated with a particular data type (i.e. a science fiction film with sports theme would have an associated gamma pertaining to the particular topic as disclosed by Rosin (col 6, line 37-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kim/Akhavan which discloses automatically adjusting the video/audio based upon the genre of the signal based upon user's settings by allowing the user to adjust/account for the associated attribute of the received information such as the gamma in order to properly display (i.e. gamma correct) the signal based upon the signal received and the user's settings.

In considering claims 2-3 and 9-10,

Kim does not disclose the reception of a transport stream (i.e. digital signal).

Kim discloses a system, which receives a broadcast signal where the additional encoded information is included in the VBI, thus being an analog broadcast signal.

The examiner relies on Akhavan which describes that the source of video includes, cable, terrestrial, digital, satellite, videotape, laser disc, the internet and digital videodisc.

Thus the concept of receiving a digital signal is conventional in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kim which discloses the reception of an analog, to also receive digital signals, as done by Akhavan to provide the user the ability/access to all available video signals.

In considering claim 5,

*The claimed further comprising an adjusting unit operable to adjust said control parameter in accordance with input from the user* is met where based upon the channel selected from the user via key input 20 and the genre is detected via detecting unit 14, the control unit 14 adjusts the video and audio control signal (stored in memory 18) corresponding to the genre data detected.

In considering claim 6,

*The claimed wherein said control parameter controls the brightness or the sharpness of said image data display* is met where based on the genre data/code (mode) detected from the incoming signal include the control parameters include the screen (brightness and color).

In considering claim 8,

*a) the claimed extracting image data and audio data...* is met by video and audio signal separation unit 8 (Fig 2) which separates the converted signal from processing unit 6 into a video signal and an audio signal (col 2, line 61-63), where the separated signal is the program/channel selected by the user via key input unit 20 (Fig 2).

*c) the claimed accessing at least one control parameter adjusted by the user corresponding to program genre data* is met by memory 18 which stores the control data/parameters which are read out by control unit 16 based on the genre data/code (mode) detected from the incoming signal which includes the screen (brightness, color) and sound% (Fig 3). The televiewer can change data for the video and audio levels established to fit the genre data and can adjust the current program being broadcasted to a certain data set for video and audio levels response to genre data (col 4, line 15-23).

*e) the claimed an obtaining information related to said selected program* is met by genre data detecting unit 14 (Fig 2) which detects genre data from the separated video signal input from the video and audio signal separation unit 8 (col 3, line 3-5).

*f) the claimed setting a control parameter for controlling an image data display or an audio data output of said selected program based on the at least one control parameter adjusted by the user and said related information* is met by control unit 16 (Fig 2, col 3, line 11-21) which decodes the detected data by the genre data detection unit 14, and reads the video and audio control signal (stored in memory 18) corresponding to the genre data detected with the appropriate televiewer stored properties relating to that particular genre (Fig 3). The control data/parameters stored in memory 18 and read out by control unit 16 are based on the genre data/code (mode) detected from the incoming signal include the screen (brightness, color) and sound% (Fig 3).

For limitations b and d refer to the rejection of claim 1 above.

In considering claim 11,

*The claimed further comprising storing said control parameter* is met by the control data/parameters stored in memory 18 and read out by control unit 16 are based on the genre



data/code (mode) detected from the incoming signal include the screen (brightness, color) and sound% (Fig 3).

In considering claim 12,

*The claimed further comprising adjusting said control parameter in accordance with input from the user* is met where based upon the channel selected from the user via key input 20 and the genre is detected via detecting unit 14, the control unit 14 adjusts the video and audio control signal (stored in memory 18) corresponding to the genre data detected.

In considering claim 13,

*The claimed wherein said control parameter controls the brightness or the sharpness of said image data display* is met where based on the genre data/code (mode) detected from the incoming signal include the control parameters include the screen (brightness and color).

In considering claims 15 and 17,

*a) the claimed extracting image data and audio data of a program selected by a user* is met by video and audio signal separation unit 8 (Fig 2) which separates the converted signal from processing unit 6 into a video signal and an audio signal (col 2, line 61-63), where the separated signal is the program/channel selected by the user via key input unit 20 (Fig 2).

*c) the claimed accessing from a memory at least one control parameter corresponding adjusted by the user corresponding to program genre data* is met by memory 18 which stores the control data/parameters which are read out by control unit 16 based on the genre data/code (mode) detected from the incoming signal which includes the screen (brightness, color) and sound% (Fig 3). The viewer can change data for the video and audio levels established to fit the genre

data and can adjust the current program being broadcasted to a certain data set for video and audio levels response to genre data (abstract; col 4, line 15-23).

*d) the claimed an obtaining information related to said selected program* is met by genre data detecting unit 14 (Fig 2) which detects genre data from the separated video signal input from the video and audio signal separation unit 8 (col 3, line 3-5).

*e) the claimed setting a control parameter for controlling an image data display or an audio data output of said selected program based on the at least one control parameter adjusted by the user and said related information* is met by control unit 16 (Fig 2, col 3, line 11-21) which decodes the detected data by the genre data detection unit 14, and reads the video and audio control signal (stored in memory 18) corresponding to the genre data detected with the appropriate televiewer stored properties relating to that particular genre (Fig 3). The control data/parameters stored in memory 18 and read out by control unit 16 are based on the genre data/code (mode) detected from the incoming signal include the screen (brightness, color) and sound% (Fig 3).

For limitations b and f, refer to the rejection of claim 1 above.

3b. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim, US 6,188,439, Akhavan et al., US 6,342,925 925 and Rosin et al., US 6,028,600. in view of Kim, US 6,172,719.

In considering claims 7 and 14,

The combination of Kim (6,188,439)/Akhavan/Rosin does not specifically disclose adjusting the control in accordance with the time of day.

Kim/Akhavan/Rosin discloses that a system in which the genre data of a broadcasting signal detected is automatically converted into an appropriate signal according to a control signal previously stored in memory to provide the best condition for the video and audio, based upon genre, lighting, location.

The examiner incorporates Kim, US 6,172,719 which discloses a system which adjusts the color of the displayed picture based on the environmental temperature of the video appliance, so that a cool feeling is given from the picture when the environmental temperature is high, and a warm feeling is given from the picture when the environmental temperature is low, to provide the optimum picture to the viewers eye's sensation.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Kim/Akhavan/Rosin which discloses the adjustment of display/audio setting based upon the detected genre of the received incoming signal, with Kim (6,172,719), in order to adjust the display/audio settings based upon the environmental temperature and the time of day, where the daytime temperature tends to be higher than the nighttime temperature, to provide the user an optimum viewing sensation when viewing the display.

#### Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, David L. Ometz, can be reached at (571)272-7593.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(571)-273-8300**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is  
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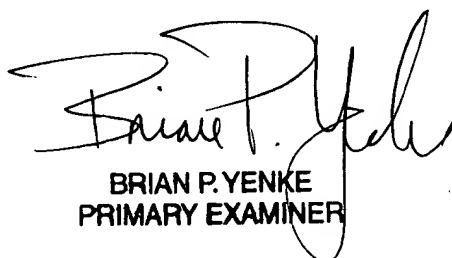
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B.P. Y  
13 February 2006



BRIAN P. YENKE  
PRIMARY EXAMINER